

January 18, 2005
Proceeding: 04-405

Dear Commissioners:

As the operator of an Independent ISP in a rural area, I urge you to reject this petition.

Under current rules, my company, VOLstate, Inc. relies on the ILEC network in order to deliver a key component of our services to our customers. VOLstate provides specialized services that the incumbent will not and cannot provide. Our typical customer is a small business that uses our services not only for high speed Internet connectivity, but also for filtered, domain based email, customized VPN solutions, and online data backup services. Having the ability to bundle our specialized services with a high speed DSL connection is critical to our business plan and provides critical services to our customers.

For example, VOLstate provides services to many health care offices. Our services are specialized to their software applications, assisting them with HIPAA compliance and security services. The amount of individual attention this requires cannot be duplicated by the ILEC. The Independent ISP is a VITAL part of the competitive landscape.

It is likely that if this petition is granted to BellSouth, BellSouth would not offer access to us for transport of our DSL service. This action would cause immediate harm to hundreds of businesses that we serve in East Tennessee.

BellSouth's argument that since they already control 90% of the DSL market in their service area and therefore granting forbearance is inconsequential to the 10% of the market that is served by Independent ISPs is absurd. The goal of the 1996 Telecom act was competition... by their own logic they have largely eliminated competition, so therefore the remaining competition is unnecessary. My customers would no doubt take issue with this.

Since 1996 VOLstate has been filling in the gaps that large companies overlook or cannot fill. We have been able to adapt to changing conditions in the past, but the prospect of losing our DSL transport agreements with the ILEC could mean the end of our unique and vital niche in the marketplace.

Sincerely,

David Snyder
CEO, VOLstate, Inc